IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3394 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MAZDGAON INDUSTRIES

Versus

COLLECTOR OF BHAVNAGAR

Appearance:

1. Special Civil Application No. 3394 of 2002

MR MUKESH R SHAH for Petitioner No. 1

MS VYAS, AGP for Respondent No. 1-2

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 23/09/2002

ORAL JUDGEMENT

#. Rule. Ms.Vyas, learned AGP, waives service of rule for the respondents. With the consent of the parties,

the matter is taken up for final hearing today.

#. The petitioner has challenged the order dated 4.2.2002 passed by the Principal Secretary (Revenue Department), Gandhinagar. The Secretary, while admitting revision application of the petitioner, has refused the interim relief. This Court (Coram: M.S.Shah,J), while issuing the notice as back as on 19.3.2002, passed the order of status quo regarding the land in question. The matter is pending before this Court since then. In my view, since revision application of the petitioner is pending before the Secretary and this Court has already granted status quo at the time of issuance of the notice, the same is required to be continued till revision application is disposed of by the Secretary. In the facts and circumstances of the case, status quo granted by this Court is ordered to be continued till revision application is decided by the Secretary. The Secretary is directed to dispose of the said revision applications, being being Revision Application Nos.8 and 9 of 2002 expeditiously and latest by 31.1.2003. It is clarified that, this Court has not examined the merits of the case, and, it is for the Secretary to decide revision on its own merits and in accordance with law. Accordingly, this petition is partly allowed. Rule is made absolute to the aforesaid extent with no order as to costs.

(P.B.Majmudar,J)
(pathan)